

AMENDED IN ASSEMBLY APRIL 21, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 909

Introduced by Assembly ~~Member Feuer~~ *Members Feuer and Furutani*

(Coauthor: Senator Hancock)

February 26, 2009

An act to amend Section 13102 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 909, as amended, Feuer. Elections: voting.

Existing law requires that one form of ballot be provided at an election for public officers, except at partisan primary elections, at which a ballot for each qualified political party and a nonpartisan ballot shall be provided. Under existing law, at partisan primary elections, a voter not registered with one of the political parties is to be furnished a nonpartisan ballot, unless he or she requests a ballot of a political party that has authorized a voter not registered with that party to vote the ballot of that party, as prescribed.

This bill would require that a member of the precinct board, prior to furnishing a ballot to a voter not registered with a political party, provide written notification to the voter that he or she may request a ballot of a political party that has authorized a voter not registered with that party to vote the ballot of that party or a nonpartisan ballot. The bill would require the written notification to list each political party that has authorized a voter not registered with that party to vote the ballot of that party.

Because the bill would require elections officials to perform additional duties, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13102 of the Elections Code is amended
2 to read:

3 13102. (a) All voting shall be by ballot. There shall be
4 provided, at each polling place, at an election at which a public
5 officer is to be voted for, but one form of ballot for all candidates
6 for public office, except that, for partisan primary elections, one
7 form of ballot shall be provided for each qualified political party
8 as well as one form of nonpartisan ballot, in accordance with
9 subdivision (b).

10 (b) At a partisan primary election, prior to furnishing a ballot
11 to a voter who has declined to state a party affiliation, a member
12 of the precinct board shall provide written notification informing
13 the voter that he or she may request a ballot for a political party
14 that has adopted a party rule as provided in subdivision (c) or a
15 nonpartisan ballot. If the voter does not request a ballot for a
16 political party that has adopted a party rule as provided in
17 subdivision (c), the voter shall be furnished a nonpartisan ballot.
18 The nonpartisan ballot shall contain only the names of all
19 candidates for nonpartisan offices and measures to be voted for at
20 the primary election. A voter registered as intending to affiliate
21 with a political party participating in the election shall be furnished
22 only a ballot of the political party with which he or she is registered
23 and the nonpartisan ballot, both of which shall be printed together
24 as one ballot in the form prescribed by Section 13207.

25 (1) *For purposes of this subdivision, written notification*
26 *includes, signs, placards, posters, and other forms of written notice.*

1 (2) *The written notification required by this subdivision shall*
2 *list each party that has adopted a party rule as provided in*
3 *subdivision (c). It shall be translated into a language other than*
4 *English if translation is required by Section 14201 of this code*
5 *and paragraph (4) of subdivision (f) of Section 4 (42 U.S.C. Sec.*
6 *1973b(f)(4)) or Section 203 (42 U.S.C. Sec. 1973aa-1a) of the*
7 *federal Voting Rights Act of 1965.*

8 (3) *A voter who has declined to state a party affiliation may,*
9 *request, verbally or in writing, a partisan ballot for a party that*
10 *has adopted a party rule pursuant to subdivision (c).*

11 (c) A political party may adopt a party rule in accordance with
12 subdivision (b) that authorizes a person who has declined to state
13 a party affiliation to vote the ballot of that political party at the
14 next ensuing partisan primary election. The political party shall
15 notify the party chair immediately upon adoption of that party rule.
16 The party chair shall provide written notice of the adoption of that
17 rule to the Secretary of State not later than the 135th day prior to
18 the partisan primary election at which the vote is authorized.

19 (d) The county elections official shall maintain a record of which
20 political party's ballot was requested pursuant to subdivision (b),
21 or whether a nonpartisan ballot was requested, by each person who
22 declined to state a party affiliation. The record shall be made
23 available to a person or committee who is authorized to receive a
24 copy of the printed indexes of registration for a primary or a general
25 election pursuant to Section 2184. A record produced pursuant to
26 this subdivision shall be made available in either a printed or
27 electronic format, as requested by the authorized person or
28 committee.

29 ~~(e) For purposes of subdivision (b), written notification includes,~~
30 ~~but is not limited to, signs, placards, and other forms of written~~
31 ~~notice. The written notification required by subdivision (b) shall~~
32 ~~list each party that has adopted a party rule as provided in~~
33 ~~subdivision (e).~~

34 SEC. 2. If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

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